

MINUTES

FINANCE / PARKS & RECREATION / PUBLIC WORKS PROGRAMS COMMITTEE August 10, 2011

A meeting of the Finance / Parks & Recreation / Public Works Programs Committee of the Council of the County of Kaua'i, State of Hawai'i, was called to order by Councilmember Tim Bynum, Chair, at the Council Chamber, 3371-A Wilcox Road, Lihu'e, Kaua'i, on Wednesday, August 10, 2011, at 9:35 a.m., after which the following members answered the call of the roll:

Honorable KipuKai Kuali'i
Honorable Nadine K. Nakamura
Honorable Mel Rapozo
Honorable JoAnn A. Yukimura
Honorable Tim Bynum
Honorable Dickie Chang, Ex-Officio Member
Honorable Jay Furfaro, Ex-Officio Member

There being no objections, the rules were suspended to take public testimony.

There being no one to give testimony at this time, the meeting was in recess at 9:36 a.m.

The Committee reconvened at 2:03 p.m., and proceeded as follows:

Minutes of the July 27, 2011 Finance / Parks & Recreation / Public Works Programs Committee.

Upon motion duly made by Councilmember Kuali'i, seconded by Councilmember Yukimura, and unanimously carried, the Minutes of the July 27, 2011 Finance / Parks & Recreation / Public Works Programs Committee was approved.

The Committee proceeded on its agenda items, as follows:

FPP 2011-06 Communication (7/08/2011) from Committee Chair Tim Bynum, requesting agenda time for the Administration, to discuss the "Performance Audit of the Implementation of the Recommendations of the Cost Control Commission Concerning Energy Savings," and to provide an update on the recommendations submitted by the Cost Control Commission in 2009. [This item was deferred.]

Chair Bynum: We have a request from the Administration to defer this item for two (2) weeks but I want to see if there's anyone in the public that wanted to offer testimony. Seeing none, any discussion from Councilmembers?

Upon motion duly made by Mr. Kuali'i, seconded by Ms. Nakamura, and unanimously carried, FPP 2011-06 was deferred.

Chair Bynum: Next item please.

Bill No. 2149, Draft 3 A BILL FOR AN ORDINANCE AMENDING SECTION 19-2.1 AND ADDING A NEW ARTICLE TO CHAPTER 19 OF THE KAUAI COUNTY CODE 1987, RELATING TO CAMPING AT LYDGATE PARK

[This item was deferred.]

Chair Bynum: I know we have some folks in the audience that may have limited time so I'm going to take testimony upfront. Anyone who would like to testify on this Bill? Blake.

There being no objections, the rules were suspended.

BLAKE RAPHAEL: Hi there.

Chair Bynum: Aloha.

Mr. Raphael: The one (1) thing that I'm concerned of...

Chair Bynum: Can you give us your name for the record?

Mr. Raphael: For the record, Blake Raphael. The one (1) thing I'm concerned of... there's a lot of pinewood trees around the camping areas. Within the past years I've been working there and I've seen a lot of pine tree branches break off and fall down and rain and heavy winds and I'm concerned about the people that's going to camp there.

Chair Bynum: Can you speak up or pull the mic closer?

Mr. Raphael: Can you hear me?

Chair Bynum: Yes much better, thanks.

Mr. Raphael: Oh okay. I'm worried about the ironwood tree branches breaking around the campsite.

Chair Bynum: Okay.

Mr. Raphael: Because sometimes I see that it gets contracted out to cut the coconut trees and I'm wondering if that can be done the same for the ironwood trees?

Chair Bynum: Blake, I really appreciate, you're there every day there so if there's a safety concern that you're raising, we need to address that and we probably can get an arborist to come out and inspect and see if they would make recommendations about the thing we should do.

Mr. Raphael: Yeah. I recently was told that officially the camping pavilion is not open to the public because it hasn't been blessed yet, so I was told to call park rangers, that's what I did. Park rangers wasn't on duty, I was told to call dispatch in Lihue then after that the substation called me up so I had to explain three (3) times within that one (1) day what was going on, two (2) hours I waited for KPD to come. But within those two (2) hours I called first the park ranger then dispatch, dispatch said they were going to send somebody, then after about within one (1) hour I waited, the substation called me up and told me what's going on... so three (3) times I had to explain that there's people in the camp pavilion partying and I was told to call dispatch and the substation said "oh okay." So finally KPD comes and tells me "we can't do anything, there's no signs around the pavilion that says they're not allowed to party in the pavilion." Basically I told them I'm just doing what I am told, park ranger told me to call dispatch.

Chair Bynum: Well I don't know that Council should direct you on this, you have to talk to your supervisor but I believe there's plans underway

to get a dedication for the pavilion and I know until we pass this ordinance that no permits will be issued.

Mr. Raphael: That got me thinking, will they really listen to the caretaker if the campgrounds open? Because I was told that the caretaker checks the permits when the campgrounds open?

Chair Bynum: I think it wouldn't be appropriate for us to answer that question because we're the Council and the Administration has to answer that kinds of questions.

Mr. Raphael: Oh okay well that's all I got to say.

Mr. Rapozo: I get some questions.

Chair Bynum: Mr. Rapozo.

Mr. Rapozo: Thanks for being here today Blake. You're talking about the new pavilion, the Kamalami pavilion?

Mr. Raphael: The camp...

Mr. Rapozo: Is that what you were just talking about?

Mr. Raphael: The camping pavilion, yeah.

Mr. Rapozo: And when was that?

Mr. Raphael: That was about two (2) weeks ago.

Mr. Rapozo: You work as a caretaker down there?

Mr. Raphael: Yes.

Mr. Rapozo: And how many of you are down there on a daily basis?

Mr. Raphael: During the week?

Mr. Rapozo: During the week.

Mr. Raphael: At least three (3) of us.

Mr. Rapozo: Three (3) on a shift?

Mr. Raphael: Not on one (1) shift. There's mostly three (3) on the early shift; I'm usually the late shift 9:30 – 6:00.

Mr. Rapozo: And that's on a weekday?

Mr. Raphael: No, that's my shift. During the part of the weekday and the weekend.

Mr. Rapozo: What's the, I'm trying to figure out how many caretakers we have there during the day on any given shift to take care of Lydgate.

Mr. Raphael:
Lydgate. So there's a early shift.

Mr. Rapozo:

Mr. Raphael:

Mr. Rapozo:

Mr. Raphael:

Mr. Rapozo:

Mr. Raphael:

Mr. Rapozo:

Mr. Raphael:

Mr. Rapozo:
many people work that five (5) to...

Mr. Raphael:

Mr. Rapozo:

Mr. Raphael:

Mr. Rapozo:

Mr. Raphael:

Mr. Rapozo:
there's just one (1) person?

Mr. Raphael:

Mr. Rapozo:

Mr. Raphael:
where Wailua Beach is at?

Mr. Rapozo:

Mr. Raphael:

Mr. Rapozo:

Mr. Raphael:

Mr. Rapozo:

Mr. Raphael:

Mr. Rapozo:
there's just one (1) person taking care of that whole place?

Well there's only two (2) types of shifts at

And what is the early shift?

Five (5) till one-thirty (1:30).

Five (5) till one-thirty (1:30)?

Yes.

And what's the other shift?

The shift I just said?

Yes.

Nine-thirty (9:30) to six (6)?

And how many on the early shift? How

At least two (2) to three (3) on the early shift.

And then the nine-thirty (9:30) to six (6)?

One (1).

Just one (1) guy?

Yes.

So from three oclock (3:00) to six (6) p.m.,

Yes.

And you're responsible for Lydgate?

The whole Lydgate consist of you know

Yes.

The Banyan Shore Restaurant?

Right.

All the way down to Marine Camp.

One (1) person?

No the whole property area we take care of.

But between three (3) and six (6) p.m.,

Mr. Raphael:

Well as much as that person can do.

Mr. Rapozo: So if you just take Lydgate... you get Lydgate Park, you know the main park, the ponds that the beach side of the road, you get the mauka side of the road which is the big park, the big pavilion, the small pavilion and the campgrounds or the potential campgrounds and the soccer fields... is that all the responsibility of Lydgate?

Mr. Raphael:

Yes.

Mr. Rapozo: And right now you're telling me that there's two (2) to three (3) that take care that whole place on a daily basis.

Mr. Raphael: Well early in the morning there's three (3) people, the working supervisor and two (2) other co-workers.

Mr. Rapozo: So one (1) supervisor and two (2) workers?

Mr. Raphael: Yes, in the early morning.

Mr. Rapozo: But at three o'clock (3:00) there's just one (1) guy?

Mr. Raphael: Well from one-thirty (1:30) till six (6) because they finish at one-thirty (1:30).

Mr. Rapozo: Right so between one-thirty (1:30) and six o'clock (6:00) only get one (1) person?

Mr. Raphael: Yes.

Mr. Rapozo: And nobody after six o'clock (6:00)?

Mr. Raphael: No.

Mr. Rapozo: What is your workload now in that campground, do you guys clean up that area and pick up trash and so forth?

Mr. Raphael: Yes.

Mr. Rapozo: And how is that place now?

Mr. Raphael: Now, right now?

Mr. Rapozo: Yeah, when you go is there a lot of rubbish?
I mean I guess my question...

Mr. Raphael: I mean every time I try to pick up rubbish, there's always rubbish the next day. Every single day I check the bathrooms, there's always a plugged up toilet. I work five (5) days a week.

Mr. Rapozo: I guess my question to you would be as a person that's working down there every day, do you feel you could take on that responsibility of thirty-one (31) campsites with your current staffing?

Mr. Raphael: Well we have the soccer fields right now and it takes time to measure the soccer fields and line the soccer fields and mix the paint. I would think we need at least two (2) more workers.

Mr. Rapozo: To be able to keep that campgrounds in a clean, safe standard as a park that we would want it to be clean right for our people...

Mr. Raphael: Yeah.

Mr. Rapozo: Do you feel you can do that right now with your current manpower?

Mr. Raphael: Right now yeah because the camping grounds are not open yet.

Mr. Rapozo: No, I mean if we open the campgrounds?

Mr. Raphael: Okay if the campgrounds open, we'll need at least two (2) more people.

Mr. Rapozo: Two (2) more people, you think?

Mr. Raphael: Yeah.

Mr. Rapozo: And that's in your opinion as a employee there?

Mr. Raphael: Yeah.

Mr. Rapozo: Thank you.

Mr. Raphael: Alright, I'll go donate blood now.

Mr. Rapozo: You going donate blood, you never eat all day?

Mr. Raphael: I ate.

Mr. Rapozo: Oh okay.

Chair Bynum: Thanks Blake. Anyone else would like to testify on this agenda item?

JOE ROSA: Good afternoon members of the Council, for the record Joe Rosa. Well I know some time back I spoke about camping at Lydgate Park and I'll stick to the same thing but this time I present to you a letter as to what happened. I could go on and add on to that letter yet on basis of the trial of the testimony and everything. It was a sad thing that the State couldn't come up with the evidence and mainly because the accused person that was on trial wasn't the person who committed the assault. When we were picked on the jury, there was a person, his son was in that group because he graduated from high school and they were having a party. He knew beforehand before this trial came up, so when he was picked for the jury, he had to ask the judge to be dismissed. Basically his son was involved in that group. So then we had to pick another member from the alternates and we came on back and yet after the trial was over, that's when I found out that the person that was being on trial wasn't the person that committed the

crime. The one that did it, I was told by that proposed jury member, was always sitting right in the Court there among the whole crowd that was at the trial because it was sort of a heated thing that members of the public were present in the audience. That's when I found out that we didn't convict the person that didn't do the person that was on trial, so you know like I said in that letter, in where the proposed camping grounds is going to be, it's beyond hearing distance. Like that lady said she screamed and screamed and help was all in vane, she wasn't even heard. Before the police came, they had to go and seek the phone and call the police because at that time there wasn't cell phones. When the police came the party had finished but then the police, they're familiar with people that come around there and they seen some group and they said yes it was certain, certain group that was over there and so they wasn't going to pursue those kids. So they picked up somebody or a couple of them and lined them up before the couple... and the man pinpointed said have him say something like excuse my saying... you haole's... it was sort of a discriminating thing.

Chair Bynum: Mr. Rosa that's your first three (3) minutes are up, would you like to have your...

Mr. Rosa: Yeah I'll take my second because I don't think there's anybody else more. Like I just said that it was sort of a thing that had to do with racism. He sort of identified that, oh that's him, that's the one... I recognized his voice but how could he really recognize that voice in the pitch dark and for the first time, so that was things that couldn't be proven in the court. I'm pretty sure that we did the right thing when we (inaudible) the person on trial, so I hate to see things like this being committed again because I've heard reports again yet Lydgate Park is not a safe place at night. I've seen people that say they walk in the evening over there especially down in that Kamalani Playground over there, they say it's spooky because all these cars park around inside there. I don't think it's really someplace for people to be camping. It's sort of isolation, it's off the main drive where the big pavilion is and all the pool and pond where people are. I hate to be in that kind of area because like as I said when I seen that guy was so badly beaten up and like I said it, he's fortunate to have been alive and also after the trial was over the Garden Island had a front page article on it stating that it's a big blow for Kaua'i's tourist industry because they get beaten up and they weren't the ones responsible convicted. So that would sort of keep tourist away from Kaua'i knowing that it's not safe for the tourist anymore because it was sort of a racist thing like I said, it turned out to be in the Courts. With that statement, I hate to see it open up again and open up another can of worms. The County has a lot of money for civil cases because they have to with so many hours coming up whether it's sexual abuse cases or whatever kinds of cases, we cannot be paying or spending money when it could be spent for something better than this kinds of cases that can be prevented. With that I'll leave you with that thought. Thank you.

Chair Bynum: Thank you Mr. Rosa.

GLENN MICKENS: Thank you Tim. For the record Glenn Mickens. You have a copy of my testimony, let me read it for the viewing public please. At the last Committee Meeting on seven, twenty-seven (7/27) my testimony asked for answers to seven (7) questions I presented.

I believe that Chair Furfaro, he's corrected me now, it should have been Tim, I presume because Tim is the... this is his Committee. I asked him to send my questions to the Administration for answers; to date I have not received a reply.

Remember again that Shaylene Carvalho introduced Bill No. 2149 on September 22, 2005 almost six (6) years ago and in it she asked eleven (11)

questions that I have never seen answers to. As I said before, nine (9) of her questions were ADA related and if they were answered, I would certainly like a copy.

Question ten (10) which was discussed at the 7/27 meeting by Mel and Dickie asked about the number of bathrooms in Lydgate Park being in compliance with Department of Health rules which stipulate the number of bathrooms available for a certain number of people using the park. And this question wasn't limited to the ADA campers but to all users of the facility.

There was no answer given by the Administration but a simple physical count of the available bathrooms will show that the ordinance is not in compliance.

Question eleven (11) asks for the County Attorney's position on the legality of having outside private personnel to provide security functions for the County. Obviously this concern has been raised because of these same campgrounds being closed twenty (20) years ago due to drugs and a murder. And since police and park rangers may not be the answer, response time being an issue, this problem needs addressing.

To prohibit the continual ready, fire, aim action of this county, an action that costs tax payers millions of dollars, we need research before the activity begins and we need good, solid answers to common sense questions like these.

And I would hope that all members, not just one (1) or two (2) of this Council would insist on satisfying answers from the Administration before ever approving any project. You do control the purse strings and can stop any activity from happening.

If any project is a feel good operation, it's easy to approve it. But as the people's representative, it's your job to fully investigate any issue before giving it the green light. As Blake just finished testifying, you're going to need probably at least two (2) more people down at Lydgate Park to take care of thirty-one (31) campgrounds. Do we have the budget to be able to fund two (2) more fulltime positions down there to take care of these things? I don't think so but that's up to you members. Thank you for hearing my testimony. Any questions, I'd be happy to answer them for you.

Chair Bynum:

Mr. Furfaro.

Mr. Furfaro: Thank you Mr. Bynum. Just to clarify something for you and I'll give it to you at the end... this is Mr. Bynum's Committee but with his excused absence at the last moment.

Mr. Mickens:

Okay.

Mr. Furfaro: The Committee was with Vice Chair Rapozo. The questions you surfaced was sent over by Mr. Rapozo filling in for Mr. Bynum and at the end of this session, I'd be glad to give you a copy of those. I do not think I promised the response to you but rather that the questions would be incorporated into the questions that went over. They've been responded to, some of those questions on August 8, including two (2) of the questions that you would want to know that July 15 of 2008, there was a document review with the Disabilities Commission as well as a subject document that related to the Department of Health. The Department of Health gave us the particular recommended staffing guides, not the budgeted amount of how many people we have but actually the Health Department's recommendation of staffing, and I will share that with you as

well. It breaks the lavatory facilities down into groups of one hundred (100) by male and female and the recommended number of facilities per group. I'll give you my copies.

Mr. Mickens: And at this stage of the game, are we in compliance with it Jay?

Mr. Furfaro: At this stage of the game?

Mr. Mickens: Yeah.

Mr. Furfaro: If I go back for six (6) years on this, it was always understood and the Administration hasn't moved on this yet, that if the campgrounds ever became available it would only become available with the rental of the appropriate portable toilets for access. Now do they have something that identifies that in their standard operating procedure, I could answer that Glenn. Do we know how many new facilities we would like them to build if they plan to regularly do that? They're going to require three (3) additional toilets for the men, three (3) additional toilet facilities for the women, up to the count of three hundred (300) and that is in these recommended staffing guides by the State. I'll give it to you afterwards but I wanted to clarify first of all.

Mr. Mickens: Sure.

Mr. Furfaro: The questions you shared with me were incorporated in a correspondence that went over.

Mr. Mickens: That Mel sent over?

Mr. Furfaro: Yes from Mel because he's the Vice Chair of this Committee and Mr. Bynum was on an excused absence.

Mr. Mickens: I understand.

Mr. Furfaro: So I'll give this to you.

Mr. Mickens: Okay but as you're saying then at this stage of the game that has not been taken care of, the bathroom facilities there are not... there's no portable toilets out there or new built restrooms there?

Mr. Furfaro: Let me say it again Glenn, we have an opportunity to talk to Mr. Costa and I will ask him if it is understood because I haven't seen the standard. If the fields are used for any large group, is it also a standard that that group will be responsible for portable toilets to meet the standard that the State has set?

Mr. Mickens: Okay.

Mr. Furfaro: And the State gave us those copies back on, it looks like October 30, 2005.

Mr. Mickens: Okay.

Mr. Furfaro: And I'll share that with you. So I can't answer that question, I need to share it with Mr. Costa.

Mr. Mickens: I appreciate it, thank you Jay.

Chair Bynum: Anyone else that wanted to testify on this matter? If not, we have Mr. Costa here from the Parks Department. I think he's going to address the questions that were sent over last week. If you could come up Ian.

IAN COSTA, DEPUTY DIRECTOR PARKS & RECREATION: Good afternoon Councilmembers, Ian Costa, Deputy Director of the Department & Recreation.

Chair Bynum: Did you want to discuss this or are you here for questions?

Mr. Costa: I'll try to answer whatever questions I can. Lenny is off island and on vacation today.

Mr. Rapozo: I'll start.

Chair Bynum: Mr. Rapozo.

Mr. Rapozo: Thank you. Ian thanks for being here. I'm not sure if you were here or saw the meeting from last week but, or from the last Committee Meeting. I guess my biggest concern with the response is regarding the restroom standards, the restroom facilities, and we went through this back in I believe in 2005 and 2006 and obviously you weren't there, but by the Department of Health guidelines, a recreational or amusement place with people and you know the campgrounds are thirty-one (31) pads whether or not we use them all, I don't know but thirty-one (31) pads with a capacity of ten (10), that tells me that's about three hundred (300) people. Then with the camping area, the group area that can accommodate up to two hundred (200), we're looking at a potential of five hundred (500) users of the campgrounds, that's what the potential is. Even if you go with three hundred (300), let's say three hundred (300) users, according to the Department of Health guidelines, they would recommend three (3) water closets which is your basin in each of the restrooms, the male and female. They would also recommend two (2) urinals in the male section and two (2) lavatories in each of the men and women side. So that is my concern, that was the concern that I had at the last meeting but the response here which baffles me is because the formula that was used, thirty-one (31) camping parking spaces would accommodate ninety-three (93) people because, I don't understand the rationale getting to that number. I mean it's here that it says the average family household on Kaua'i is less than three (3) persons therefore thirty-one (31) camp parking spaces would accommodate ninety-three (93) people. Typically the campgrounds don't hold your household, it's more than one (1), there's going to be ten (10) people or you can have up to ten (10) people, I don't understand why that formula... to expect ninety-three (93) people utilizing thirty-one (31) campsites I believe is extremely irrational. I think that's not right. Even if you went with five (5) per campsite which I still think may be a little low but even then it would get you over a hundred and fifty (150) people and even at a hundred and fifty (150) people, combined with the use of the soccer fields and the group camping area, we're talking about quite a few people. And I know Mr. Furfaro referenced the portable toilets but according to the response the only time the County would move for portable toilets would be if the event that is planned would exceed seven hundred fifty (750) people. I don't understand, I thought we had already set a capacity of three hundred ten (310) in the parking area, I mean in the camping area and two hundred (200) in the group which would mean a maximum capacity of five hundred (500) but this thing is telling me now that if we're going to use the park for an event that's going to hold more than seven

hundred and fifty (750) people, we're going to bring in portable toilets. So I've got a major concern with that.

Mr. Furfaro: Mr. Rapozo may I just ask... I was not referencing your memo, I was referencing the decisions back in 2005.

Mr. Rapozo: Right, right.

Mr. Furfaro: I just want to make sure.

Mr. Rapozo: Because I remember in 2005 and the reality is what is the cost to maintain portable toilets out there twenty-four (24) hours a day, seven (7) days a week and then you run into the problems of who's going to clean it and how often? And again it's about providing that environment for the campers. So that is the concern. The other concern, the second area of ADA, I received an email from Christina Pilkington and apparently she's satisfied with the ADA improvements, so as long as she's satisfied, I'm satisfied. And then of course was the third area was the staffing guide. I think you heard from Mr. Blake Raphael who I think we should probably listen to, he's a guy that's down there every day and my concern is last week Mr. Lenny Rapozo said that there were no plans to increase staffing down at Lydgate and so that's also a concern. I think when you start talking about this additional numbers of people, how do we accommodate the employees to making sure they have the proper manpower to keep that place in a safe and clean condition. So that's kind of my concerns, I'm not sure if you're prepared to address them because the responses did come from Lenny but...

Mr. Costa: I really cannot speak to where that seven hundred and fifty (750) number comes from, like you say.

Mr. Rapozo: Well it's from what the memo says.

Mr. Costa: But with the group camping and as far as the staffing I know that we did point out in the letter that it was our intent to open I believe thirteen (13) of the sites and see with the personnel we have which we know that we increased the staffing level by two (2) but that was upon looking to open not only the campsite but the soccer fields as well. I did hear Blake's concerns, that is a big area for the people but when you look at the overall parks on Kaua'i, Lydgate Park has a dedicated staff more than any other park.

Mr. Rapozo: Lydgate?

Mr. Costa: Yes.

Mr. Rapozo: Oh I know but it has a more dedicated use than any other park too.

Mr. Costa: Sure.

Mr. Rapozo: I mean we have to compare apples to apples not apples to oranges. The Kapa'a New Town Park has a huge staffing guide, where the stadium's at, I believe they have more than Lydgate and it's...

Mr. Costa: Not on a daily basis.

Mr. Rapozo: Excuse me?

Mr. Costa: Not on a daily basis... two (2).

Mr. Rapozo: Two (2) people? Well Lydgate you're looking at per shift and you got two (2), sometimes you have three (3) but one (1) of them is a working supervisor.

Mr. Costa: Right.

Mr. Rapozo: And look at what they have though at Lydgate. You know they got the park, they got the pavilions, they got the restrooms, they got the bikepath, they got the soccer fields, I mean it's... and I hear it from them and I'm sure you do too.

Mr. Costa: And just the geographical area that it covers.

Mr. Rapozo: It's huge and just the fact that to get from one end of the park to the other just picking up the trash is a time consuming thing and yet having to do the rest, so I just I want you folks to reconsider the manpower. Because it's really, I mean for the guy to come here today and actually testify, I mean I think that says a lot.

Mr. Costa: Yeah.

Mr. Rapozo: I mean they going work hard, they going do the best they can but is that going to be enough to maintain the level of service for that campground. As Mr. Rapozo said, Lenny said he wants it to be a world class campground, well I'm for that but let's do it and let's give these guys the tools and resources they need to keep it at a world class level, that's all I'm trying to say.

Mr. Costa: Sure.

Mr. Rapozo: Thank you.

Mr. Costa: And then just a question, I know you were referring to the Department of Health standards, you're referring to table one (1)?

Mr. Rapozo: Table one (1).

Mr. Costa: And there is no standards for outdoor for camping but you're referring to auditoriums amusement?

Mr. Rapozo: Yes. The amusement places is what the consultant referenced back in 2005 or whatever it was.

Mr. Costa: Of the standard I guess that's the only reasonable.

Chair Bynum: Chair Furfaro.

Mr. Furfaro: Ian, I'm just going to go over a few things here so you know with my consecutive time on the Council, I'm more perhaps aware of how a few things develop. So let me first tell you when it comes to human nature, whether you're in the outdoors or if you're in an auditorium, the number of times you probably have to relieve yourself is the same. The only piece that we've gotten from the Department of Health was the piece on the auditoriums like as a party house, a banquet... now the next thing I want to do is make sure that you're aware that we in the past, the Council, the consultant told us and that's what I think is in

Lenny's report, up to seven hundred and fifty (750) people. The Council said we would rather as we plan for new facilities going forward, use the schedule that's being recommended by the Department of Health. I think the dates on there is October of 2005, so the Department of Health's recommendation is a little bit more inclusive of the kinds of numbers that we should be prepared to and quite frankly is a higher standard for the number of toilets than what the consultant recommends. That's one (1) piece that I want to also point out to the two (2) of you.

On the issue of history, it is our understanding that when you have Mililani Little League come, Mililani Little League before getting a permit would agree to renting portables for the time that they are camping, not the fact that we're going to bear the cost of keeping portable units there all the time, especially if the facility is not going to be used. We understood that that would be until such time that you put a new pavilion in the CIP that that was going to be something that we would apply to the renting of that campground. Each time there was a group that wanted it, they had to do that. The recommendation is up to three hundred (300) people, three (3) toilet facilities for the men and three (3) toilet facilities for the women side. I want to make sure, I mean if we need to correct this by introducing a money bill for a new pavilion then I'm prepared to do it but as of today's CIP, there's nothing in there from the Administration so we're thinking you're going to comply to the standard that we were told back in 2005. It would be a condition of the rental.

Another item on the staffing and I want to tell you, I've been at the park with Blake and this guy is a very hard worker. He takes great effort in doing the best he can there and when you look at the staffing guide which is the piece I have right here just pulled out of the budget sheet, in this area in the Lihue district there are about five (5) positions identified for Lydgate. Having them all work at 5:00 in the morning till 1:30 and having the late shift come one person at 9:30 to 6, you have everybody overlapping each other for about four (4) hours but you know after lunch and the meals and people are camping and cooking and feeding Little League guys, you know the bulk of the work seems to be in that increment in the later time. We had suggested back in 2005 and 2006 that the Parks Department and I'm going to ask that we keep very clear records of this because I'm going to send over the correspondence because since that, we have never gotten a piece of correspondence that said here's parks that are considered "A" parks, "A" level parks and they are regional parks. The regional parks have things like certain recreational fields, they may have ocean access, they may have lifeguards on duty, they have party facilities, they have toilet and barbeque pits, they may even have lawn sprinklers and even pavilions for banquets, like Lydgate. Whether it's Salt Pond, Lydgate, Kilauea Park we wanted a list of what is considered "A" parks because the next level would be like "B" level parks, for the lack of any other term, something that references that it's like a district park. And then the small parks would be like neighborhood parks, triangles that need watering, the grass has to be cut periodically and so forth and then from there you can determine your staffing guides because that determines the level of work standards that you want to put there.

We can't confuse staffing guides versus duty sheets. In an "A" park, we expect the grass to be fertilized, we expect the grass to be cut periodically, you know we have certain times of the day that the rubbish is removed and so forth and that will drive your staffing guide not by just eyeballing it but by actually having staffing guides that reflect the duty sheet. The good news is I heard from Lenny last time he was here, you folks are working with the bargaining unit that represents those employees to come to some understanding, but I would like to encourage that we continue what we said we were going to do on "A" level parks, "B" level parks, "C" level parks and what are the standards, the minimum standards, you know. I mean we could always do better than that but the minimum standards and that's what will drive your staffing. Obviously at some point here I

wanted to get clarification about we chose in 2005 to use the recommendations from the Department of Health; the consultant's recommendation was much higher. Secondly, we also very much said that this was going to have to be done incrementally until we build a new facility but until such time, there was going to be some rule when the bulk camping units were made available that whoever was taking those facilities would also understand that they needed to bring some portable toilet to accommodate the numbers of their people until we build a six (6) unit women side and a six (6) unit men side in the CIP. That's what I'm sharing with you and I'll be sending this summary over in a separate memorandum over to Lenny, I think that's what we're looking for.

Mr. Costa:

Okay.

Mr. Furfaro: And I think that will help you set those standards that you're currently meeting with the UPW on because I think from Lenny... there's been a couple weeks of negotiation now, then there are some issues about hiring and implementation, no earlier than about another nine (9) weeks. On that note, thank you Mr. Bynum.

Chair Bynum: So I just want to go over these things for myself because I also lived through this in 2005 when we had these discussions. I think we're all in agreement that the ADA concerns that came up are fully addressed and so regarding this issue of bathrooms, in this memo the quote about seven-fifty (750) is from the consultant. The consultant is saying we believe restroom facilities there are adequate up to seven hundred and fifty (750) but we will never have seven hundred and fifty (750) people permitted to use that park. Because even if we use the maximum that are in the Bill, if we made an assumption that every campsite had the maximum number of people because in the Bill it says each site can either have five (5) or ten (10). The smaller sites that have five (5), the maximum would be five hundred (500), two hundred and fifty (250) in the campsites, two hundred and fifty (250) in the group campground. In 2005 Parks said that they never had the intention to do that because it's unlikely that every campsite would have ten (10) people and in the ordinance, the names have to be listed on the permit but that's something that Parks routinely controls. They set standards and if they reach the criteria that you set, you don't issue more permits. If you have a group there that's going to use the maximum in the group site of two hundred and fifty (250), you can make a decision to not issue as many permits, and in your correspondence you make it clear that the intention is to initially only open half of the campsites in order to do a test of about whether you have adequate personnel for maintenance and that kind of thing. And so the campsite has about twenty (20) by twenty (20) campsites...

Mr. Costa:

Right.

Chair Bynum: ...that will accommodate and a maximum of ten (10) people as ten or eleven, five by five (5x5) sites pads and those really were intended for like a couple in essence or maybe a small family but they have a maximum of five (5) but if you determine that you want the maximum to be a hundred (100), as soon as you reach that, you just stop issuing permits right?

Mr. Costa:

That's correct.

Chair Bynum:

Is that correct?

Mr. Costa:

Yes.

Chair Bynum: I mean that's what we do at the other parks, right?

Mr. Costa: Right.

Chair Bynum: Every park has a capacity and we didn't write all of that in the Bill because we want to give the Parks Department that latitude to use their good judgment in the parameters we have set about how to manage the parks and same issue with staffing. In 2005 there were three (3) full time staff dedicated and I want to say that Clayton Cataluna has been the supervisor there for a long time, Robert, Sunny and Blake... those guys bust their butt every day and even with the addition of the sports fields, Lydgate Park is more than adequately maintained and often above and beyond in my opinion and I'm a frequent visitor. But we had a lot of discussion then and we got union agreement then and rules to stagger the schedule, so my assumption would be that Parks won't front end the front you know that you kind of shift that and you have the latitude to do that with your four (4) workers. You also... is that correct?

Mr. Costa: Yes.

Chair Bynum: That was the intention was to keep more than one (1) person there especially in the transition time of the campsites between 3:00 and 6:30 or 7 when people... because these are site camping, it's like a hotel right?

Mr. Costa: Yes.

Chair Bynum: It has a checkout time of noon and a check in time of about three (3), I believe and that's people standard practice kind of that turnover. So the intention then was to shift the available personnel more into the evening time in recognition of that's when the most activity most likely to occur. We came up with job descriptions that included park caretakers having some interaction with campers is they make that, is that correct?

Mr. Costa: Yes.

Chair Bynum: Is that still the intention?

Mr. Costa: Well that's the intention up to this point, yes.

Chair Bynum: And if the Parks Department was to see that the four (4) people were not adequate, short term you can make shifts in the district, is that correct?

Mr. Costa: Yes.

Chair Bynum: And long term, you can request additional personnel from this Council right?

Mr. Costa: Yes, that's right.

Chair Bynum: If you choose to. But in your correspondence you say hey we're going to do a soft opening, we're not going to issue all these permits, we're going to do some test periods see how it goes and make thoughtful judgments about how many permits we're going to issue, is that correct?

Mr. Costa: Yes, that's correct.

Chair Bynum: All of those things because we've been through this for six (6) years are adequate in terms of my perception for you to get going and address the issues as they arise because you have that latitude. You got the union stuff in place, the concept of staggered schedules, the ability to bring in people tomorrow if you want to, you can shift around your existing personnel if there's a need.

Mr. Costa: Right.

Chair Bynum: In terms of restrooms, I believe they're adequate for that campsite and there is in the park master plan which we did an environmental assessment for the potential to have additional restrooms in the sports fields area and when we built the sports fields, there's sewer and water stubbed out and a site that's designated should we choose in the future to say hey when the sports fields are happening, the camping is happening and you know we need additional restrooms but there is a restroom facility that is about forty (40) yards from the sports fields now.

Mr. Costa: Right, near to the beach.

Chair Bynum: The south comfort station and when I've been down there watching my grandson playing soccer, that's what the soccer people are doing, they're trotting those forty (40) yards, ADA compliant?

Mr. Costa: Well it's either that or quite a considerable distance more to get to this...

Chair Bynum: Yeah and I think it'll be really nice to have a pavilion and restrooms at the sports fields sometime in the future but I don't think it's a requirement right now, it's something we can look at for the future in my opinion.

Mr. Costa: One of the things we need to look a little further into, obviously the popularity of the mixed used path, as well as that stretch of beach, there are a number of people that also use the bathrooms that are not associated with the campground.

Chair Bynum: That's correct. Anyway thank you for those responses.

Mr. Rapozo: I have...

Chair Bynum: And just for anybody in the public that's watching, these restrooms have four (4) stalls. Four (4) stools obviously in the women restrooms and two (2) urinals and two (2) stools in the men bathrooms.

Mr. Costa: Correct.

Chair Bynum: They also have four (4) showers and I believe three (3) sinks.

Mr. Costa: Yes.

Chair Bynum: And in the recent improvements there is an additional outdoor sink installed adjacent to the restrooms.

Mr. Costa:
dishes or whatever have you.

Right. Primarily for camp users to wash

Chair Bynum: And then we'll discover when we open if that facilities are adequate or we need to limit the number of campers on an ongoing basis.

Mr. Rapozo: I had a question.

Chair Bynum: Yes.

Mr. Rapozo: Thank you. Ian last week or the last meeting Leilani from the UPW was here as well as Lenny and both of them said they were in negotiations as far as personnel, staffing and that they were quite far apart, do you have any update on the negotiations as far as the scheduling?

Mr. Costa: No I don't.

Mr. Rapozo: You don't.

Mr. Costa: We do have dialog ongoing and...

Mr. Rapozo: But it hasn't been resolved?

Mr. Costa: No, not yet.

Mr. Rapozo: Thank you.

Chair Bynum: Any other questions for Mr. Costa?
Councilmember Kualii'i.

Mr. Kualii'i: Aloha and mahalo Ian.

Mr. Costa: Hello.

Mr. Kualii'i: So in the memo from Lenny it says the comfort station was oversized not to provide adequate facilities for campers but for additional park visitors such as path users, fisher persons, small or medium size gatherings and others... and then there's that other talk about the seven hundred and fifty (750) persons and the portable toilets that the Chair was alluding to. So the soccer fields and the campgrounds are pretty far apart.

Mr. Costa: Correct.

Mr. Kualii'i: And there's that restroom near the soccer fields which is down by the beach.

Mr. Costa: That's right.

Mr. Kualii'i: When we're talking about camping, we're talking about the restroom at the end near to the bridge?

Mr. Costa: At the campsite.

Mr. Kualii'i: Councilmember Bynum mentioned the amount of toilets... two (2) toilets, two (2) urinals, three (3) sinks and four (4) showers, when I went there last weekend it's a large space inside, there's plumbing

already in place to add additional toilets probably wouldn't be that much of a deal, I mean has that even been part of the plan? To bring in portable toilets and bring them and move them, you know based on... that's not really investing in the plan, the future use of the entire facilities. I think with thirty-one (31) sites and opening it up far and wide to our community and visitors as well, one day I think we want to see it fully used so why not invest in the existing bathroom and I think, I don't know... was it part of the original plan to allow for that expansion? The restroom if you looked at it physically, it's huge, there's all this wasted empty space on the inside of the restrooms and now the new pavilion that was burnt down is back in place but that's just yard away from the bathroom so I don't think you would build another restroom at that pavilion. So how does the Parks and Recreation see dealing with the shortage of actual toilets?

Mr. Costa: Naturally in looking to increase the numbers of toilets available for that campsite we would first look at whether expansion of the existing facility can accommodate that prior to building a new structure. We would want to maximize the structure we have. I do agree with you that the space is larger than most public bathrooms, so I believe that we could probably add a stall or two (2) and still meet the ADA requirements but that depends on how we get there, depends on where the trump line is and to what degree we would need to trench or dig up the existing concrete to accommodate that.

Ms. Yukimura: Can you speak in the mic?

Mr. Costa: I think we would naturally look at using the structure we already have and maximize its capacity first.

Mr. Kualii'i: And then the only other thing was that there were some talk about the Parks and Recreation master plan and so I've been on the website and there's a current master plan in the works and they had a first round of meetings throughout the island back in March.

Mr. Costa: Yes.

Mr. Kualii'i: Is there a second round of meetings coming up?

Mr. Costa: Yes I believe the second round is coming up within a month or two (2).

Mr. Kualii'i: Within the next month or so, and there was something about a survey and it said the survey was through May 31, 2011.

Mr. Costa: Right.

Mr. Kualii'i: Was this survey closed on that date or is it still open?

Mr. Costa: I believe it was closed.

Mr. Kualii'i: Is it being compiled because the survey was to...

Mr. Costa: It is being compiled and the next...

Mr. Kualii'i: Because to help set up priorities for future improvements, so I mean... it'll be good to know what the citizens are telling us.

Mr. Costa: Yeah. So the next round of public meeting involves sharing what came out of that survey.

Mr. Kualii: So it's being compiled now and then the next round of meetings in a month or so, the results will be shared?

Mr. Costa: Right.

Mr. Kualii: Okay. I'm wondering if some of that doesn't impact what we're doing here because you have meetings in Waimea, Kawaihau, Kōloa, Po'ipū, Kalāheo and Hanalei and then Līhu'e, Hanamā'ulu, Puhi, so I would imagine that the Kawaihau group, maybe even the Līhu'e, Hanamā'ulu, Puhi group would have a lot of say about the Lydgate Park in general and...

Mr. Costa: I believe we...

Mr. Kualii: Probably the whole island would because I think it's our largest regional most used park perhaps.

Mr. Costa: I believe we did get a fair amount of input from not only the Kapa'a district but Līhu'e as well regarding Lydgate.

Mr. Kualii: Okay, thank you.

Chair Bynum: Any other questions for Mr. Costa? Chair Furfaro.

Mr. Furfaro: Thank you and I know I'm not a member of your Committee but Ian, I think the bottom line here is as we start to look at these parks and these options, we are not seeing any CIP money in the budgets. Isenburg field was supposed to be expanded several years ago, at least one additional facility. The Kapa'a Ball Park, the new one, you know volunteers built the pavilion and we're still looking for another toilet facility. And then Lydgate, although we clearly understand the difference of the Health Department's standard which is higher than what the consultant is recommending, we're not seeing these additions in the future CIP, so I would strongly recommend that you solicit the Finance Department and the Mayor to say hey let's put some money in there for the expansion.

Mr. Costa: Okay.

Mr. Furfaro: Thank you Mr. Chairman.

Chair Bynum: Councilmember Nakamura.

Ms. Nakamura: Hi Ian.

Mr. Costa: Hello.

Ms. Nakamura: Who happens to be a very good dodgeball player as well... I had some questions because I'm looking at the memo dated August 8, I wanted... in response to the first questions about the Department of Health restroom standards, it refers to a consultant study done in 2004 and the assumption that the consultant makes is that for every campsite because the average household on Kaua'i is less than three (3) persons, they took the number of campsites, multiplied it by three (3), and that's how they came up with ninety-three (93) persons on average.

Mr. Costa: Right.

Ms. Nakamura: Now our current rules, we're saying up to six (6) people for the ten by ten (10x10) and up to ten (10) people maximum for the twenty by twenty (20x20) sites.

Chair Bynum: Five (5) and ten (10).

Ms. Nakamura: Five (5) and ten (10), that's correct. So the numbers are much higher and I wanted to... I think we need to work with the actual numbers now that we have this Bill in place. I'd like to see what it looks like given the current rules and the number that it'll generate in the different categories. So for the ten by ten (10x10), this would be the minimum, could be a range, a minimum and maximum number of people. The twenty by twenty (20x20) the minimum and maximum, and then the group could be from twenty (20) to two hundred (200) people, using the group permits and then we can see the big picture but we also know that this is going to be phased in over time, so we have our existing situation, we're going to have an interim period where we transition and work out the kinks and see how it works and then we're going to have our future capacity based on the thirty-one (31) sites totaled. I think we need to look at how our facilities are going to be accommodated under those three (3) scenarios because we want to eventually get to full use, that's why we build this site but we want to know two (2) things... does our infrastructure serve the three (3) scenarios and how does the manpower serve these three (3) scenarios? So while maybe manpower works now and maybe might during some of this transition period but at some point if we're going to run it like a hotel, if we want to have a high level of maintenance then we're going to need to look at a different manpower scenario. I would like to see that we're thinking about that now rather than two (2) or three (3) years from now when there's a great demand for these sites. I was over there Tuesday and I was looking at the women side because Dickie Chang told us all about the men side but the female side actually all of the units were working fine, it was clean, there was just one (1) door that was not working but other than that the capacity is there. I think that's what I would like to see is some thought as to how over time how are we going to deal with the service needs and as the Chair mentioned what are the CIP requirements or maintenance requirements and we should be thinking about that and putting it into our budget assumptions.

Mr. Costa: Thank you, we will.

Chair Bynum: Are there any other questions for Mr. Costa?
Mr. Chang.

Mr. Chang: Thank you Councilmember Bynum. I think last week one of the main concerns that we talked about was safety. Has there been further discussion about any sort of low impact lighting in that area because at night it is very, very dark and quite spooky?

Mr. Costa: I haven't had any definitive at this point to install that but I think that's a good point.

Mr. Chang: And the reason I say that is last week I failed and I'm not sure if it was part of the discussion but the restroom that you make reference to, forty (40) to fifty (50) yards from the northern soccer fields down towards the beach, that whole parking area including in and around the restroom has no lighting facility. The reason I say that is because those are very, very clean very good additional restrooms but if you're going to walk from the campgrounds to

that other bathroom if you need to use it, there's no lighting. I don't remember seeing any small pilot lights along the sidewalk guiding and if you're walking behind Kahalani, it's a relatively far walk, it's a couple hundred yards.

Mr. Costa: It is.

Mr. Chang: So thinking that that would be additional restrooms just to get from the campgrounds to the additional restrooms, unless you got a full moon or a partial moon.

Mr. Costa: Yeah that's not realistic.

Mr. Chang: So I'm just, you know while we're at that world class facility or running it like a hotel if you will, it's got to be convenient and it's got to be safe.

Mr. Costa: I think the lighting is a crucial safety aspect as well and clearly that campground as well as that southern comfort station isn't as nearly lit, well lit as the main pavilion area.

Mr. Chang: And those are excellent additional, when I looked at it, it was very clean and all the showers did work. I actually believe that that's an underutilized restroom.

Mr. Costa: It's probably why it's so nice.

Mr. Chang: But it's just a big tool for the campground or an addition to the campground and that might solve part of the problem just getting there is the problem.

Mr. Costa: Thank you.

Chair Bynum: Any other questions for Mr. Costa? If not, thank you very much Ian.

Mr. Costa: Thank you for the suggestions.

There being no objections, the meeting was called back to order, and proceeded as follows:

Chair Bynum: Any discussion among Councilmembers? If not, I'll say that I helped build these campgrounds six (6) years ago and what I said when we brought this Bill up and I helped write this Bill and I went through the whole discussion about this and to me the bottom line is that the restrooms there at the campgrounds are adequate as they stand right now. If we find that they're not then we can address that issue but the consultants position and the other thing and I'll look it up if I can find it because I haven't been here in the last few weeks but the only standard we found for campgrounds was from the National Park Service and they said one (1) stool for thirty (30) sites and so the consultants position was... we only needed two (2) to address the campgrounds but we realize that there's going to be other types of events, walkers, fishermen and so we over built this facility to make sure that it would accommodate all uses. In my view the restroom is more than adequate as it stands. Unlike say the restroom at Kapa'a New Park by the sports fields when I go see senior baseball there, you line up for sometimes five (5) or ten (10) minutes to use the bathroom because there's one (1) but that's another story, I didn't mean to go there. The campground I think and I appreciated Councilmember Nakamura's comments about having a real thoughtful and believe

me we spent months having that thoughtful conversation in 2005 or 2006. Any Councilmember that wasn't on the Council can read the transcripts of those meetings and we addressed a lot of those issues and so to me this is ready to go, you have done a good job of saying here's the framework we need in this ordinance but we're going to administer this appropriately and make sure that there's adequate staffing and facilities and we're going to start off testing the waters by not issuing that number of permits. As I said earlier if you did the math and when we set the guidelines for ten (10) max at... it wasn't really thinking of the full capacity, it was thinking of each site. You know this site can accommodate up to ten (10), we didn't want to issue a permit and have a huge party at one (1) site and that's why the ordinance says you have to list the names of the campers. The ordinance says you have to place your tent on the camp pad and those were all that came from census and from talking to consultants and community members about what are the best way to manage this site camping which is something we haven't done in the past. I feel like this is ready to go and I would encourage the Committee to move it out today to full Council. I see that it got amended to say that it doesn't go into effect for six (60) days and...

Ms. Yukimura: Wait, that's a proposed amendment, I think.
We didn't pass.

Chair Bynum: Oh we didn't do this?

Ms. Yukimura: No.

Ms. Nakamura: I wanted to introduce...

Chair Bynum: I don't personally think that's necessary because... but hey I waited six (6) years to camp down there, I can wait sixty (60) more days and give the Parks Department some time.

Ms. Nakamura: Only because the County Attorney had... I had asked the question if they needed time to implement it and they said they wanted some time to develop some rules.

Chair Bynum: And I'm not objecting to that because they can start issuing the permits when they choose to. I assume that they're wise enough to issue permits until you feel like you're ready. Anyway those are my comments. Any other discussion? Councilmember Rapozo.

Mr. Rapozo: Thank you. Well again my position hasn't changed from two (2) weeks ago, I don't believe this is ready to go out. I think in addition to the facilities and manpower issues I think the other concern I think we need to address prior to passing the ordinance because the ordinance language includes issues that pertain to the collective bargaining agreement UPW more specifically animal prohibited section where in fact this ordinance is requiring the park care taker to do things that are of the enforcement nature. That discussion is being held right now with the union and it hasn't been resolved, so it's an issue that needs to be addressed before we pass this ordinance out. As we heard they were far apart as far as duties and responsibilities. We heard that the park rangers are going to be around to make the checks and do the inspections; however, we were also told that the park rangers are spread out throughout the island as well, so they are not going to be hanging out at Lydgate. So they are going to rely a lot on the caretaker and I think you heard the gentleman this morning that in fact what is the caretakers position in that park versus an park ranger, that matter has not been resolved with the Administration and the union and that's one that has to be

resolved. You can't get around that, it's an agreement that is signed by all counties, we cannot get around that.

I want to address the restrooms facilities, the consultant relied on a number of ninety-three (93) people using the campground. Also what the consultant wasn't privy to was the fact that we're going to have sports fields, three (3) separate sport fields that basically hold a lot of people that's going to be utilizing the facility, that was pre-sport fields. Times have changed and I'm not suggesting that we go back to get another consultant but I'm here to tell you, that I don't need to be a consultant to tell you that that park is going to have more than ninety-three (93) users on any given day. It's going to be a nice park that's going to be well used. Also in the fee schedule that's being proposed we're going to be charging the non-residents twenty-five (\$25.00) a night; that's a hefty price for a campsite that we better make sure our amenities are working and they're sufficient and safe of course. Again I'm not going to support moving this out right now, I think there's the issues of park capacity and more specifically the staffing. Ian, that's my bigger concern right now because it's real easy to drop the duties on these workers and they going do their best but you know who gets the blame, right when you walk out... oh these damn county workers, they so lazy, they should not sleep. This guy that was here today and I've witnessed him work, this guy is a hard worker but he only can do so much and we're going to add more duties on him and his coworkers at that park, how can we expect them to do a better job? The standard of service is going to drop because you're adding more duties with no additional resources. The service will drop, that's just the nature of the beast. I'm not prepared to do that and I've read the blogs and the emails, I've got some hate emails, Mel, we want camping. It's not that I don't want camping, I think we should open up that campgrounds but I think we should open it up only after we provide the proper resources to open it up so that it can function properly. That's what I see missing in this scenario and I think to utilize a number such as ninety-three (93) for capacity for that park and not even reflect the fact that... I believe that group camping area is going to be well used. I think it's going to be well used because for a hundred and fifty (\$150.00) you can get up to two hundred (200) people, you get sole use of the pavilion. It's a fabulous arrangement and it's going to be used. But are we ready to accept that many people like Mr. Chair said you know one of the things we can't control is our bodily functions and I much rather them use the toilet then the bushes and I want to make sure we're ready when we open up the gates. I would ask that we defer this until such a time that we can be assured that in fact the facilities are in order and the issues with the staffing and the duties because if in fact we proceed and the park caretakers are going to be asked to do jobs that are outside of their scope, it can further slow down the process because that's when the union gets involved and we don't want to do that. Let's take care of that before we pass the Bill which I think is responsible. That's all I have. Thank you.

Chair Bynum:

Anyone else?

Ms. Nakamura: Based on our last Committee Meeting I have an amendment that everyone should have a copy of. It does two (2) things, one (1) is it defines what it means to be a person with a disability. In the earlier version in the definition section it referenced the State law and I thought it would be easier for the lay person just to have it all in one (1) place, so Mr. Morimoto added this section based in Hawai'i Revised Statutes. The second thing that we did was we added on the last page under section five (5) this ordinance shall take effect sixty (60) days after its approval. And there was one (1) additional typo, very minor.

Chair Bynum:

Is there a second?

Ms. Yukimura:

I think we have to move the main Bill first.

Ms. Yukimura moved to approve Bill No. 2149, Draft 3.

Ms. Yukimura: In order to make the amendment? Is there a second? If not then you can't amend it.

Ms. Nakamura: That's fine.

Chair Bynum: Okay, so let me outline the parameters here.
If you want to amend the Bill...

Mr. Furfaro: Procedurally...

Chair Bynum: Procedurally... may I?

Mr. Furfaro: Yes.

Chair Bynum: If you want to amend the Bill, you can move to approve, second, amend, and if it's the Committee desire to defer, it doesn't preclude the deferring. So I don't know why, I don't object to these amendments. If there was no second because people want to defer, you still have that option.

Ms. Yukimura: But you won't be able to amend.

Ms. Nakamura: I can amend it at a later time?

Ms. Yukimura: Yes.

Ms. Nakamura: That's fine with me. I share similar concerns about the manpower issues and the current negotiations going so I would...

Chair Bynum: So I'd like to continue discussion for... may I?

Ms. Nakamura: And I won't introduce this amendment at this time then.

Chair Bynum: Because I wasn't here at the last meeting but I have a very... I know that we in 2005 and maybe Ian knows this... worked with the union, redid the job descriptions, it was all approved and then so I don't know what this new issue is because there was... we went through all of that several years ago where we said hey this camping facility is different, the job description, you know we worked on it, a certain percentage of time we'd be doing the x, y, z, it needed to go through a union process and it did. So I'm not... so who's familiar with that union process that can answer my questions?

Mr. Rapozo: All I can answer is that they were here last week. Leilani from UPW came up and both her and Lenny said that they were working on some kind of scheduling and duties issues.

Chair Bynum: Specific to Lydgate Park?

Mr. Rapozo: Yes and I don't know why, I mean that's something that they have... we didn't expand on the issues other than I think she mentioned or Lenny or somebody mentioned that it would take nine (9) weeks to complete the process should they agree to change. I'm not sure what the issues were... did you take notes?

Ms. Nakamura: Yes, my notes say that there's a minimum nine (9) week time requirement to deal with contractual issues and so that's what Leilani Mindoro represented.

Mr. Furfaro: I'd like to clarify that. It was the union that felt it would take nine (9) weeks to negotiate a conclusion on the new job duties. Lenny implied he thought they could do it in four (4) weeks. Contractually there's nothing in the agreement that's specifically has a time element on when you need to complete these negotiations. The union felt they needed nine (9) weeks, Lenny felt he could complete it in four (4) weeks.

Ms. Yukimura: Tim, may I?

Chair Bynum: Councilmember Yukimura.

Ms. Yukimura: My understanding was that if according to our present collective bargaining contract, if there were some changes in schedules then they needed nine (9) week notice and whether they were going to be changes in schedules or job descriptions or something like that was not clear yet but I think if there was going to be then there was a nine (9) week wait period.

Mr. Furfaro: Lenny did not acknowledge that.

Ms. Yukimura: I agree that it was primarily a union interpretation of the contract.

Mr. Furfaro: And he felt they could do it in four (4) weeks.

Ms. Yukimura: So may I say something?

Chair Bynum: Maybe we should defer.

Ms. Yukimura: Actually I don't see this action of passing rules and regulations for camping at Lydgate to be dependent on the issues that management has yet to allegedly resolve because management has the power to open the camping or not open the camping when they are ready or when things have been done. I think sixty (60) days for that preparation is good, they still can go beyond sixty (60) days if they have to. The issue of the adequacy of the bathrooms I think is resolved in my mind because the sports field does have another bathroom to rely on as I'm told the one by the beach that's closer. This one is adequate for initial opening where we get to test and try out on everything. So there's a lot of management tools that give management flexibility to work within the parameters of this law that is being proposed. If there are union management things to be worked out, that's certainly not for us to second guess or work out, they have to do it between themselves. I think by passing this as long as our part is done in terms of adequacy of rules that we could go ahead and do that because the number of users is controllable by parks through its permits system and the management issues of staffing are something that management can address. The toilet issue, there are another set of toilets to rely on and if there's a decision to allow that camping site, group camping, then there is the option of portable toilets that Parks can require that too and should be... so I'm comfortable with passing the Bill today and I mean if we have to defer, we can still defer it on the Council floor, get it out of Committee and on the Council floor. We might even pass it on the Council floor and give sixty (60) days for other things to be settled.

Chair Bynum: Councilmember Rapozo.

Mr. Rapozo: Well if there's some questions then it should be deferred in Committee and not be sent to Council. I mean that's now how we do things JoAnn, you know that. We work in Committee and if it passes out of Committee, that's fine but we shouldn't pass it out of Committee to get to Council to defer it if we need to, that's now how it works. I think that's a honorable way to do it. I think as Councilmembers yes we represent the public, yes we represent all the people but I think more so we represent our employees. You heard the gentleman this morning, I've been down there... I think most of us have been down there, they're asking for help, they're begging for help. They're asking for equipment, they're asking for mechanics, they're asking for tools that work and they're begging us... year after year after year we continue to give them more work, more work, more work... and no real relief and that's who I'm speaking for today. I'm not speaking for the general public that wants or not wants. We have an opportunity here to I think to prevent something that's really going to be bad for our employees. I mean he came to testify, that's not easy to testify when you're a County employee testifying against a County issue, that's not a good thing. I will not support it until I am assured that they will get the right tools, including the new equipment that's going to be needed for keep that place clean and safe. Until I see a contract to clean or fix the coconut trees, trim the trees, I mean... those are the things I was asking for... what are your staffing guide? What is your plan? We were told at the last meeting, we are not going to hire anybody else, we feel that is enough. And we heard from the worker today, hey we need two (2) more guys... I need two (2) more people. We can't do it anymore. And we going say no, no... that's management problem, we're just the Council, we pass the law, that's the management's problem. Well this is my only opportunity to fix it and I fix it by saying, we don't pass the ordinance until management comes to tell us that this is what we're going to do to make it right. When that happens, you got my blessing on the Bill. Right now I'm not going to leave it in the hands of the Administration because I think we hear the horror stories about the Parks and the facilities and the restrooms and the portable toilets and all of that... I mean it's a mess. We don't have enough people, we don't have enough resources, it cost money to do those things. I just want to see a plan Mr. Bynum, I'm not satisfied. I don't think it's proper to just pass the Bill and let them deal with it because we're basically throwing out the life raft saying hey tell us what you need. I think Mr. Furfaro made it quite clear, send over something in the CIP budget maybe we can fix your bathrooms, maybe we can do more people... I mean I think the invitation was sent out a while ago and it was ignored. In fact, we were told no, we're good, we got enough people. Yet we hear today from the person doing the work that it's not enough. I'm not going to support it, I definitely don't support passing it out today just to see if we need to defer it in the Council. I don't think it's the right way but if the votes pass, the votes pass.

Chair Bynum:

Councilmember Yukimura.

Ms. Yukimura: If there's work to be done in Committee, we should not move it out of Committee. I'm not sure that there's work to be done in terms of the Council job in passing a law that authorizes and gives guidelines for camping at Lydgate Park. In terms of the employee's needs, of course we want to address that. I'm not clear that the County worker who came today, came to oppose the Bill; I think he came with a very explicit or specific concern about the ironwood trees and the maintenance of those trees in terms of safety. He may have an opinion that more people are needed and that needs to be factored in, but some of the need for more employees could be through rescheduling, it could be through proper equipment repair, in our shop, I mean a lot of these issues are addressed in different ways. I don't think we can assume that we need more people, that is really an Administration decision given the fact that new people were added when camping was first brought to the floor, so that has to be... I don't deny that that has to be something that is negotiated between the Administration and the union, but I

can't say right now that it is a matter of needing more employees. I think it's a matter that needs to be examined and that could be addressed in variety of ways that will be under management's control and not anywhere affected by the legal parameters of an ordinance for camping at Lydgate. So if there isn't more work to do, I think we can pass it out or we could pass it to the Council and defer it until if it is our desire to make sure that these issues are addressed until the issues are addressed... or we could keep it in Committee but I just wanted to make some distinctions about the role of the Council and the issues that remain to be resolved.

Chair Bynum: I'd like to put my two (2) cents in again, I think that's an important distinction so I'll go down each one. No, we should never pass a Bill out of Committee if there's more work to do. I think we all agree on that, although that certainly has happened over my objection a number of times but I believe our work on this Bill is done. If we pass these amendments which I don't object to because the other issues that we're discussing here, finalizing any issues with the union, staffing, are all not related to this Bill and they are the responsibility of the Administration. I personally would like to see more staff at Lydgate Park, I love Lydgate Park but you know what, if I talk to the people at Cliffside Park at Hanapēpē, they probably would say they need more staff there, or if I talk to virtually any department in this County, can make a pretty strong argument that they need additional personnel. But we're in this tight times where we're trying to be very thoughtful about any additional personnel. Ian said that they can address personnel issues short term by assignment and long term, they can come here any time so I think the distinctions that Councilmember Yukimura making are important, our responsibility is to pass these guidelines. I don't know what additional work we'd do for this Bill. The other issues, Mr. Rapozo's correct we can't move forward with making changes that violate a union contract and I don't think anyone would have that intention and I don't believe the Administration would do that. It's in their hands if they open this... Well if we pass this amendment it would be at least sixty (60) days after it passes to full Council before anyone can camp there, but it could be ninety (90) days or a hundred and twenty (120) days if that's what the Administration needs because they're going to determine when they issue the first permits. Like I said earlier I think this is ready to go, I'd like to move things through to Council and move on to other issues when we can but if the Committee wants to defer, that's fine too. Mr. Furfaro.

Mr. Furfaro: Thank you Chair. I just wanted to make a few comments because we have Mr. Costa here and I have to share first of all there is nothing in any of our contracts for the purpose of before you can change your schedule there's got to be nine (9) weeks and... no... there's mutual concurrence between the management which is the County's Administration and the union that they would come to some mutual agreements about that schedule changes. Mr. Costa, I think a few things were said today that really deserves some high level attention from the Parks Department. I would start with some of the summaries that Mr. Rapozo made. This Council has never refused equipment purchase if we had problems with equipment that we need down there but it needs to come to the body if you need equipment. We have heard some issues about some employee concerns that is totally in your jurisdiction but certainly it is not good when we become the sounding board about operational staffing guides. I also would encourage you to look at two (2) items in the staffing guide, you have potentially four (4) people down there at any one (1) period of time and having three (3) people in before day break and then having the afternoon peak with just one (1) person certainly warrants a review from a quality control standard and those that should be in the negotiated piece. I'm also going to share with you that when I supported additional park rangers as we saw Lydgate as a regional park, I never thought I was approving a third ranger for the purpose of being a roamer on the island. I thought we were talking about a ranger that would be based there and could

respond to other rangers when there was an emergency. This park we put tremendous effort in to lifting its quality and making it comfortable for our community. There's very few things in today's economy that we can make available as a community for a fair and reasonable price and one of those things obviously is camping and people need to feel comfortable that there is someone that can respond to needs there and so I would ask that we review that as well. Also Mr. Chang made mention to lights, we just send one thousand eighteen employees including myself to a training session about what we need to do in managing our federal agreement with lighting and that has to be incorporated for the indigenous birds here on Kaua'i and foot lighting could be something that could be looked at and so forth. These are all things from equipment to staffing to standards that are all in the Administrative area, they are more than reasonable to say we give you sixty (60) days to implement some rules and so forth but there's nothing that we're talking about here that is something that the Council can direct. It's certainly been a good opportunity and the UPW people have been here, I think they gave us constructive comments but those are all in the hands of the Administration so I would hope that some good notes have been taken today. I don't want a Bill to come to the full Council and I Chair it only to defer it, I mean that has not been our past practice, that is not something I want to do, so I just need to revisit some of the dialog that came out today especially the need for you folks to encourage good dialog and come to some concurrent agreements about standards for Lydgate with the bargaining unit. Thank you Mr. Bynum.

Chair Bynum: Any other discussion? If not, what's the will of the Committee... oh I'm sorry I didn't see you. Councilmember Kualii.

Mr. Kualii: I have to agree with Councilmember Rapozo on that it is bad for our employees and on the three (3) points of the staffing level, of the ADA and of the restroom facilities. The only one (1) I see that has been completely resolved is the ADA which was the big glaring problem over the years so it makes sense that that got addressed. Along the way it's crazy that we didn't think ahead and address these other two (2) issues which are fairly easy to address if the Administration just did the work, work with the union, do the negotiations but you know it's bad for the employees but it's also bad for the public. If we open a campground and we're not able to ensure the public health and safety, if we're not able to ensure at least a mediocre experience then why would we do it? You know if we're going to do a pilot project, not open it fully but open it partially, and even that partial open means there's a volume of campers in addition to the volume that's already there... if you go to that park there's a lot of volume... fishermen, beachgoers, day users, there is plenty volume already for two (2) toilets. You know I don't know where people are getting these numbers about how many toilets it takes, just go and try to use the toilet. You know just go and talk to some people who are frustrated with being... and when one (1) toilet is broken then you're down to one (1), you know. I mean it's about providing a basic level of services to the public and that... the cleanliness, the health, the safety, we're more likely to do that if we're working well with our employees. If we're providing the minimal level of staffing to do that and I think it's important to us, I think the Administration agrees, I think we agree that we want to provide a positive experience and not just leave it up to the natural experience because you know the ocean and the air, that will never fail us... Kaua'i is a beautiful place and people will have that wonderful experience but we totally negate all of that when we don't take care of something as basic as giving them decent restrooms, that's not too much to ask for a decent place to relieve yourself when you have to and not to have to unreasonably wait in a line. That bathroom facility there at the campgrounds is plenty big, it must have been designed... I mean you can fit five (5) wheelchairs through there, it's not big because of wheelchair access, it's big because they must have had plans to add more facilities. And yeah that might take money and time and we don't want to wait for that but at

least put in the portable facilities now and have a plan with the CIP money that the Chair talked about. A real plan to do what's right and to expand the facilities so that the campgrounds can be complete and then the staffing issue is still an issue not just for the maintenance of the restrooms facilities but also for safety, where's the park rangers fit in this. When Leilani and Lenny was here, we didn't really hear so much about the park rangers other than that what the Chair just clarified that there was the ranger roaming and you know we have seven (7) other campsites all over the island. So the fact that people are camping overnight and that this rangers have to roam, I mean they have to roam, they have to go from Hā'ena to Waimea. So are we able to ensure the safety of the people that are camping with our park rangers, we haven't heard anything from HGEA on that as well. We definitely still have work to do, I mean if we're supposed to do it in the Committee, then we would have to defer this at this time otherwise then we are going to do it in the full Council which the Chair said it's not necessarily the appropriate place to do that. The whole staffing issue, it is our responsibility and the reason it's our responsibility is because public health and safety ensuring that before we open the campgrounds is our responsibility and if the Administration can go ahead and open this without us then why are we sitting here, I'm sure they care too. If our local people will show up to camp like they've always been fishing and whatever, sometimes people drive up, park their car, bring a little pop tent, put it up next to their car, fish all through the night, whatever, and they miss this, they miss that, they were supposed to get a five dollar a day campsite permit, if they miss it... five dollars right... are the park rangers going to walk around, let them know, collect their five dollars, or are they going to be found camping without a permit by the County park caretaker, and it's a park caretaker. Isn't it the ranger? And then fined a hundred dollars. That's unacceptable for the local person who goes in their pickup truck that is there to fish, camps, and now they have to pay a hundred dollars because they missed something. There's got to be education, some kind of warning first, not an automatic a hundred dollar fine. I mean we're close but I think we still have a couple of outstanding issues that have to be addressed and important ones. Thank you Mr. Chair.

Ms. Yukimura:

Chair?

Chair Bynum:

Councilmember Yukimura.

Ms. Yukimura:

Two (2) questions, one of Councilmember Kuali'i... are we getting reports that there are lines at the bathrooms?

Mr. Kuali'i:
asking me.

I've waited in a line if that's what you're

Ms. Yukimura:

Oh okay.

Mr. Kuali'i:

I mean it's no problem for me, I can wait.

Ms. Yukimura:
Director Costa.

And then I have a question for Deputy

Chair Bynum:

Is he still here?

Ms. Yukimura:

Yes he is.

Chair Bynum:

Mr. Costa can you rejoin us?

There being no objections, the rules were suspended.

Ms. Yukimura: I've been told in the past that the procedures that rangers or park caretakers follow with respect to unpermitted camping, it is to actually issue a permit on the spot, is that correct?

Mr. Costa: They have been doing that if space is available.

Ms. Yukimura: Okay so there is a procedure that provides a reasonable remedy if somebody... I mean I wanted to address Councilmember Kualii's question and make that clear for the public that it isn't so that you're just kicked off the property and fined a hundred dollars but in fact you have an opportunity to purchase a permit?

Mr. Costa: If I may, his comment touches on some other comments I got from other users and I think part of that goes into clearly defining this campground because you have a lot of people, myself included, who have gone to that beach and fish throughout the night that could possibly run into something like that, but I think it can be dealt with in clearly defining where the campground is and where that rule applies and where it doesn't.

Ms. Yukimura: Is that what you will address in the rules?

Mr. Costa: I think that's part of what we need to look at, that's a recent concern that was raised by users.

Ms. Yukimura: So is that going to be addressed in the rules?

Mr. Furfaro: Ian, I'm sorry we're behind in a caption break. Can we hold the answer to that question until we come back to a caption break.

Ms. Yukimura: Sure.

There being no objections, the Committee recessed at 3:49 p.m.

The Committee reconvened at 4:01 p.m., and proceeded as follows:

Chair Bynum: Councilmember Yukimura the floor is yours.

There being no objections, the rules were suspended.

Ms. Yukimura: Thank you. I believe I was asking Deputy Director Costa about whether the distinction of where camping should be and where camping should not be will be in the rules that the Parks Department promulgate pursuant to this law when this passes?

Mr. Costa: Yes, as well as a clear exhibit of where that applies.

Ms. Yukimura: I'm sorry, what was your answer?

Mr. Costa: I just said along with the accompanying exhibit or map as to where those rules apply.

Ms. Yukimura: Okay. And then in terms of fines, do we presently fine people in other places where we allow camping?

Mr. Costa: The rangers do issue citations or tickets.

Ms. Yukimura: Okay and I presume that this penalty provision reflects the same provisions for our other camping, like fine not exceeding one hundred dollars?

Mr. Costa: I'm sorry I cannot say that with certainty.

Ms. Yukimura: Okay. Can you get back to us and let us know then?

Mr. Costa: Sure.

Ms. Yukimura: And perhaps if you have a set process that our rangers follow with respect to issuing notices of violations or fines, you could also let us know about that?

Mr. Costa: Okay.

Ms. Yukimura: And then is there also a process by which the rangers work with the Police Department if they need help from the Police Department when things maybe get out of hand or they see something that's beyond the scope of a ranger?

Mr. Costa: Yes.

Ms. Yukimura: There is a process?

Mr. Costa: They typically do have good communication and coordination with the Police.

Ms. Yukimura: Okay. Are there rules of protocol or something as between caretakers, rangers, and police in terms of dealing with difficult situations that might need some enforcement or management?

Mr. Costa: Yes and maybe we can provide...

Ms. Yukimura: Also...

Mr. Costa: ...sort of an outline of that?

Ms. Yukimura: That would be helpful to know what your regular procedures are as between those three entities that have to cooperate I would imagine depending on the issue at hand?

Mr. Costa: Right.

Ms. Yukimura: That would be excellent, thank you very much.

Chair Bynum: Any other questions for Mr. Costa? If not.

Ms. Nakamura: Just one (1) quick thing.

Chair Bynum: Councilmember Nakamura.

Ms. Nakamura: Just to follow up on Councilmember Kualii's concern about a lot of people who have established practice, people who like to go down there, camp, use facilities, and so forth... this is going to change and maybe disrupt maybe the way things are done now because I'm told that people do camp down there and now they're going to need a permit, and so they're maybe camping illegally now but now there's going to be a new system. So what kind of plan to help educate the public, let them know about this, how are we going to get the word out? And so it doesn't have to be answered now, but it would be good to see what the plan is to get the word to the public.

Mr. Costa: Okay.

Ms. Nakamura: And to let them know that there's fines that will be part of this new system.

Chair Bynum: Councilmember Kualii.

Mr. Kualii: I think basically some of the practice now, people wouldn't even necessarily describe it to you as camping, they're fishing, so they back their pick-up there, they might have their wife and kids, I mean there might be extended family that's relaxing and enjoying the breeze and just part of the whole overnight fishing experience. So if they back up their pick-up truck and they just pop up one of those ten by ten pop up tents, it's not like a camping tent that's on the ground and they fish all night and fall asleep in their lounge chairs, and I mean it's done... I've seen it.

Mr. Costa: I know.

Mr. Kualii: Over and over again. So they're there and they use the bathroom and all that but they don't necessarily think of it is camping because camping is for the weekend or for the week you go up to Kokee, that's camping, you bring your whole house and food and you plan all your meals, that's just fishing overnight and you're staying at the beach. And they're doing it in that particular area, they're actually doing it on some of the campsites now, so when it officially becomes a campground, that's something you're going to have to deal with whether you allow it or disallow it and whether they know to pay the five dollars...

Mr. Costa: Right.

Mr. Kualii: And I'm curious because along the pathway too I remember when the pathway was put in place, the bikepath, near the turnaround circle there closer to the condominiums, there's actually an area where fisherman can drive over the path.

Mr. Costa: Right.

Mr. Kualii: And go towards the beach.

Mr. Costa: Fronting Kahalani.

Mr. Kualii: Yes. And so that is fairly close to what would be the last platform for camping, so is that in the campground or is that out of the campground and are they still allowed to put their trucks there and pop tents and there's those things to work out.

Mr. Costa: Councilmember Yukimura brought up and I think that needs to clearly be defined by way of exhibit attached to the rules to clearly show you where those rules apply.

Mr. Kualii: You know when you talk about the exhibit attached to the rules, so I think this Council has done some of this in the past where you approve something and then there's something else that you didn't necessarily see or was a part of approving and then that becomes problematic. I'm worried when the basic rule just says it's a hundred dollar fine but then with your answers to Councilmember Yukimura, you're saying oh but we don't really do that, we just give them a warning or we let them pay the five dollars, because the ranger will write them a permit on the spot as opposed to giving them a ticket. I mean if that's the practice I would rather that be part of the rule rather than us write this what seems like a pretty heavy fine of a hundred dollars for failing to get a five dollar permit for that one night.

Chair Bynum: Are there questions for Mr. Costa?

Ms. Yukimura: Well just for clarification it doesn't say a hundred dollar fine, it says not exceeding, so it's up to a hundred dollars. So it can be one dollar, two, or three, or five... and that's usually how fines are written up to give the discretion to the person who imposes the fine based on the specific circumstances but it's not automatically a hundred dollars. Actually Councilmember Kualii did ask the question I wanted to ask Mr. Costa, it's this distinction between fishing which is bringing a truck and going out to fish on the sand and into the ocean versus camping. I think that distinction will need to be made and so if that's already in your procedures and will be covered by your rules, that will be fine, but that's what we want to know.

Chair Bynum: Any other questions for Mr. Costa? If not, thank you Ian. I appreciate your patience. Any further discussion among Councilmembers?

The meeting was called back to order, and proceeded as follows:

Mr. Rapozo: I just want to answer the question for Councilmember Yukimura regarding the citations. Currently they utilize the Court issued citation book, the same one that the police officers use. It is a requirement to be in court, that's the only bad thing about it. It takes up a lot of time. I did have a discussion with Judge and the standard fines are a hundred dollars although many occasions they plead the case and they get a person to plead guilty and pay a lesser fine but it is a citation that requires them to appear in court; they cannot just write a check and send it in. I think the language of the ordinance definitely has to be tightened up as far as the penalty. The other thing too I think because Lydgate... you know our other ordinance just says County parks and those County parks are established by certain boundaries and so forth. Lydgate is a separate ordinance, so I think for prosecution purposes, we would have to define the boundaries for Lydgate Park somewhere in that ordinance because like the fisherman who may or may not be in the ordinance, there's no way that park rangers are going to be determining whether or not they're in or out. Whether or not they're going to be a part of this ordinance or the other ordinance, so there will have to be some tie in to the boundaries whether there's a... and I don't know if you have Ian, I'm not sure if that park was ever surveyed but there's got to be some sort of boundary determination within the ordinance itself. Especially if it gets closer to the outer areas, the ordinance as written clearly specifies that all camping has to occur on those pads, so anyone off of a pad that's camping is in violation. The other citation that's being issued on a routine basis by park rangers and police officers is sleeping

in cars, that's against the law here too and those violations have been cited and those as well has a hundred dollar fine. Again I think that warrants some discussion with what is the desired outcome of this Bill. Is it to punish people for fishing or is it to accommodate people that want to camp and making sure that all of those issues are discussed before we move forward. But I just wanted to clarify that, that's how the process is today. They're actually using a... it's a State issue citation.

Ms. Yukimura:

Thank you for that clarification.

Chair Bynum: I'd like to make some comments about this issue. We have caretakers whose job it is to take care of the facility there, not enforcement people. We have park rangers who are enforcement people and have the power to cite people but they are not to intervene in... you know there's a level where they're not going to intervene and they're going to call the police department and they have radios and can be in instant communication. We have a lot of great people working for the County of Kaua'i, one of those in my mind is Jon Martin a supervisor of the park rangers. I believe we are currently are fully staffed or very close to it at five (5), and if you ever talk to Jon, and Mel knows this better than anybody, enforcement people use discretion, you know they give warnings, they're human beings, their intention is to provide safety. There's a fine line between if I'm fishing all night or camping but these people use their discretion and do a good job. One of the great things about Jon and what he instills in his folks is this calm demeanor and his reasonableness and the use of discretion. I believe it's safe to say we have more park rangers than we've ever had right now and they're probably better equipped than they used to be before there was a Parks Department. They have better support and I feel very confident in our Police Department and in our park rangers to use that discretion and I just talked to Jon recently about how many citations they're written for leash law and you know he can tell you, how many warnings and how many citations, and part of that conversation was to encourage him, on the leash law, please issue more citations. It was my two cents of that because we know that that's the best way to deal with people who stretch the rules on animals. I feel fairly confident, you know these other things that Mel mentioned, tents are on the pad, we supply these level pads with the tie downs and hooks, and part of that was input again from the members of the public and consultants that said when you have a campsite and you can define the site, it's easier to manage the campsite. You look around and if there's a tent that's not in the designated area, you know that's something to do an inquiry about. The question I'd like to pose to the members is along the lines of the distinction we had before, what work needs to be done on this Bill? The other issues about staffing and manpower, we can follow up on and ask questions but who... if we're making the deferral today, who has additional amendments and what is the issue that this Bill needs to address? Councilmember Yukimura.

Ms. Yukimura: Yes. I think the discussions have raised one of the issues which is the boundaries of the park and where the enforcement will take place, so I think there is that additional work to be done. There have been other questions about the procedures and Councilmember Rapozo did help clear it up but related to Councilmember Nakamura's questions about education, I believe there is a system of warnings but it would be good to hear what the process is and that Mr. Costa has agreed to provide. So for those reasons, I think there is some good reason to defer. There is one (1) issue that is of boundaries that may require a wording change here, so I think a deferral is in order.

Chair Bynum:

Councilmember Furfaro.

Mr. Furfaro: Yes and just since Mr. Costa is here and the County Attorney, I want to remind everybody that Lydgate was a State Park, it was not a County park, please make sure that when we look at the metes and bounds that you find the executive order from the State that transfer the operation of Lydgate to the County. Make sure we don't have any conflict with those boundary descriptions. Thank you Mr. Bynum.

Chair Bynum:

Councilmember Chang.

Mr. Chang: I'm a non-Committee member but since we're coming to a conclusion I want to just thank the caretakers for that area. I was out there yesterday and it's... of course it's not really utilized now but it is very clean and it looks very good. I think this was a really good discussion. The other day I was at the Parks and Recreation and just seeing the demand or the use like at Black Pot for example or 'Anini especially during the summer but it's nice to know that those facilities, residents island wide use and it's nice to know that I think camping during the summer has been tradition for generations and generations. The families that were once the children are now bringing their children and it's a good thing for all of Kaua'i but I do believe that we certainly, we definitely want to be ready and we want to make sure we got the right staffing and the safety. Last week I had asked in reference to the barbeques and I understand that new ones are on order, so when we get that barbeques I hope that depending on how many we have, those barbeques would be placed in the campsites that we plan to open so it's convenient for those campers right there. I guess maybe it's a little bit of a blessing because winter is around the corner and the demand is less as far as camping is concerned on the winter, so maybe that will give us a lot more time to figure out what's going right and what might unfortunately be going wrong. It's beautiful grounds and that's what it was built for, camping. So I look forward to having this discussion in our full Council. Thank you.

Chair Bynum:

Any other discussion?

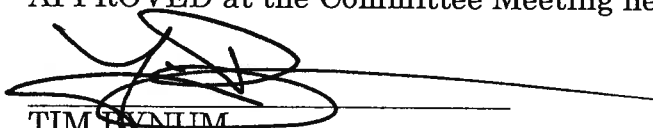
Upon motion duly made by Ms. Yukimura, seconded by Mr. Kualifi, and unanimously carried, Bill No. 2149, Draft 3 was deferred.

There being no further business, the meeting was adjourned at 4:20 p.m.

Respectfully submitted,

Darrellyne M. Simao
Council Services Assistant II

APPROVED at the Committee Meeting held on September 28, 2011:



TIM BYNUM
CHAIR, FPP COMMITTEE

